

URGENT ACTION

DETAINED JOURNALIST FACING IMMINENT DEPORTATION

On 1 August, the Moscow Basmanniy Court ruled that openly gay journalist and activist Khudoberdi Nurmatov (also known as Ali Feruz) must be forcibly returned from Russia to Uzbekistan. If returned, he will be at risk of torture and imprisonment for his sexual orientation. The journalist has nine days to appeal the decision.

Novaya Gazeta newspaper correspondent and civil society activist **Khudoberdi Turgunaliyevich Nurmatov**, better known under his journalist alias **Ali Feruz**, was stopped by police on 1 August, purportedly for ID checks. The journalist, who is openly gay, produced his press card but the police officers detained him and took him to Basmanniy district police station where he was accused, under part 3.1 of Article 18.8 of the Russian Code of Administrative Violations, of “violation of the rules of entry or stay in the Russian Federation by a foreign citizen”. He was then taken to Basmanniy Court in Moscow. The judge issued Khudoberdi Nurmatov a 5,000 rouble (USD 80) fine and ruled that he must be forcibly returned to Uzbekistan. The journalist was arrested in the court room and taken to a deportation centre in Moscow. He was given ten days to appeal the decision. If deported to Uzbekistan, Khudoberdi Nurmatov is at risk of serious human rights violations, including torture, and will face prosecution and, if convicted, imprisonment for his sexual orientation (consensual sex between men is a crime in Uzbekistan).

At the hearing, the journalist insisted that he was not violating Russian immigration law and that for the past three years he had been repeatedly trying to receive asylum in Russia, and appealed the latest refusal. He was born and spent his childhood in Russia, and after graduating from a Russian school he went to Uzbekistan where he got his citizenship but very soon returned to Russia and enrolled in university. He said his stay in Russia was lawful and that his mother, sister and brother are Russian citizens. The police however claim the journalist has been in the country unlawfully since 2011 and that his latest appeal against the asylum refusal had not been accepted by court (of which, it transpired, Khudoberdi Nurmatov had not been informed of).

Amnesty International has documented numerous instances of forcible returns of migrants from Russia to Uzbekistan, including abduction and secret rendition of asylum seekers and refugees by security forces.

Please write immediately in Russian or your own language urging the authorities to:

- Ensure that Khudoberdi Nurmatov is not forcibly returned to Uzbekistan, where he is at risk of prosecution, torture and other ill-treatment, and imprisonment for his sexual orientation;
- Take all necessary steps to offer Khudoberdi Nurmatov effective protection from secret rendition to Uzbekistan;
- Grant Khudoberdi Nurmatov refugee status in Russia.

PLEASE SEND APPEALS BEFORE 13 SEPTEMBER 2017 TO:

Prosecutor General

Yuriy Yakovlevich Chaika
Prosecutor General's Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7 495 987 58 41/ +7 495 692 17 25
Online submissions (accepted only in Russian): <http://ipriem.genproc.gov.ru/contact/ipriem/send/>
Salutation: Dear Prosecutor General

Minister of the Interior

Vladimir Aleksandrovich Kolokoltsev
Ul. Zhitnaya d. 16
119049 Moscow, Russian Federation
Fax: +7 495 667 05 98 (wait for signal)
Or use online form in Russian: https://xn--b1aew.xn--p1ai/request_main
Salutation: Dear Minister

And copies to:

Human Rights Ombudsman of the Russian Federation

Tatiana Nikolaevna Moskalkova
ul. Miasnitskaia, 47
107084, Moscow
Russian Federation
Fax: +7 495 607 7470 / +7 495 607 3977
(to check if fax received: +7 495 607 1854)

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ALEXANDER VLADIMIROVICH YAKOVENKO, Embassy of Russia, 6-7 Kensington Palace Gardens, London W8 4QP, 020 7229 6412

Please check with your section office if sending appeals after the above date. This is the first update of UA 61/17. Further information:

www.amnesty.org/en/documents/eur46/5905/2017/en/

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ADDITIONAL INFORMATION

Khudoberdi Nurmatov, born February 1986, writes for the independent newspaper Novaya Gazeta under the pseudonym Ali Feruz, covering issues that include disability rights, and the rights of refugees and other migrants from Central Asia. He is an Uzbekistani national but was born in Russia where he spent his childhood before moving to Uzbekistan. According to Khudoberdi Nurmatov, he was forced to flee Uzbekistan in 2009 after he was detained and tortured by officers of the Uzbekistani National Security Service for refusing to be their secretly informant.

According to a work colleague Elena Kostiuchenko, Khudoberdi Nurmatov was detained near a music school where he attended singing classes and it appears that the police were waiting there for him.

Earlier this year, on 16 March, Khudoberdi Nurmatov was detained by police and charged with administrative offences relating to his migration status in Russia. At that time, Khudoberdi Nurmatov had his application for temporary asylum in Russia still under consideration. Consequently, he had the right to be in Russia until a decision would be taken on his status and all appeal processes exhausted, and was released. Later, the journalist learnt that his asylum application had been refused. He filed an appeal against the refusal at Zamoskvoretsky district court in Moscow. The court refused to consider the appeal, but failed to notify Khudoberdi Nurmatov of this at his address. This refusal only transpired to Khudoberdi Nurmatov from police, at the hearing on 1 August.

Amnesty International's research has found that hundreds of asylum-seekers, refugees and labour migrants have been abducted or forcibly returned from Russia to Uzbekistan since 2014 in what constitutes a blatant violation of Russia's international human rights obligations. Short of resorting to complicity in the abduction of individuals, the Russian authorities have sought other ways to circumvent their international obligations and have used administrative means, such as deportations for administrative offences, to return individuals to Uzbekistan where they face a real risk of torture. Many of those forcibly returned to Uzbekistan have tried unsuccessfully to apply for asylum with the Russian authorities.

The Russian authorities have continued to accept at face value assurances from their Uzbekistani counterparts that individuals will not be tortured upon return to Uzbekistan, and have failed to conduct effective investigations into any of the cases of abductions of Uzbekistan nationals in Russia that have been raised with them. For additional information see the report Uzbekistan: Fast-track to torture: abductions and forcible returns from Russia to Uzbekistan (<https://www.amnesty.org/en/documents/eur62/3740/2016/en/>) and Amnesty International's Submission to the Council of Europe Committee of Ministers: Garabayev V. Russian Federation (No.38411/02) Group of Cases (<https://www.amnesty.org/en/documents/eur62/5839/2017/en/>).

If returned to Uzbekistan, Khudoberdi Nurmatov will, like many before him, be at real risk of incommunicado detention, torture or other ill-treatment, and unfair trial. If prosecuted and convicted in Uzbekistan, he would face a long prison term in cruel, inhuman and degrading conditions.

Further information on UA: 61/17 Index: EUR 46/6865/2017 Issue Date: 2 August 2017